

APPENDIX**Sent To Governor****March 26, 1973**

S.C.R. 67

S.B. 102

S.B. 143

S.B. 251

FORTY-THIRD DAY**(Tuesday, March 27, 1973)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

A quorum was announced present.

The Reverend John Barclay, D. D., former pastor, Central Christian Church, Austin, Texas, offered the invocation as follows:

Eternal God, our Father, we pause to acknowledge Thy presence and to thank thee for the governmental establishment under which we live. We pray for the Governor, the Legislature and the courts. We pray for all public officials whom we have elected to lead us. May they do so with courage, high intelligence and integrity. May they lead us to return to the virtues of our Fathers: industry, honesty and frugality.

Help us all to recapture the faith of our fathers and their spiritual optimism: That problems are soluble, that what ought to be can be, that neighborly potential is inherent in mankind.

May today be a great productive day in the Texas Legislature. We pray in Jesus name. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Moore submitted the following reports for the Committee on State Affairs:

S.B. 466

S.B. 444 (Amended)

S.B. 821

S.B. 604 (Amended)

S.J.R. 28 (Amended)
S.J.R. 19

Senator Brooks submitted the following reports for the Committee on Human Resources:

S.B. 346
S.B. 407
S.B. 454 (Amended)

Senator Wallace submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 151
S.B. 432
S.B. 411
S.B. 367
S.B. 633
S.J.R. 29
C.S.S.B. 303 (Read first time)

Senator Aikin submitted the following report for the Committee on Finance:

S.B. 832

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

By Senators Mengden, Traeger, Ogg and Longoria:

S.B. 857, A bill to be entitled An Act relating to the protection of the health and life of pregnant women and of the right to life of unborn children; providing for prohibition of abortions except by a physician licensed to practice medicine for saving the life of the mother when there exists a reasonable medical certainty that continuation of pregnancy will result in the death of the mother in governmental hospitals, in hospitals which receive any tax exemption or governmental financial assistance, or in hospitals incorporated under the laws of the State of Texas or of another state; requiring informed consent to abortions by the pregnant woman, her parents or guardian in the case of an unmarried minor, and of the husband or father of the unborn child; prohibiting discrimination against or coercion of a person receiving governmental financial assistance for not consenting to an abortion; permitting any hospital to refuse to allow any abortion; permitting any person because of conscience or religious beliefs to refuse to perform or assist in any abortion; prohibiting governmental employees and social service agencies receiving governmental assistance from requiring or recommending that any woman have an abortion except a recommendation of a permissible abortion; prohibiting saline abortions altogether and hysterotomy form of abortion unless the fullest effort is made to save the life of the aborted child; making any child which is live born following an abortion a ward of the State of Texas; fully recognized as a human person under the law of this State, and divesting its parents of any parental rights in such child; prohibiting certain types of abortions; prohibiting any use of transfer of any child who has been aborted or live born for any kind of experimentation or study; requiring physicians to file specified information in a report of abortions performed by them; requiring any person performing an abortion resulting in a live born child to take all reasonable steps to save the life and health of that child and subjecting violators to the Texas law of homicide and civil liability for wrongful death and medical malpractice; amending Article 1205 of the Texas

Penal Code so as to eliminate the requirement of actual birth in order for a person to be in existence for the purpose of that Article and declaring a person to be in existence from conception until death but qualifying this rule until the decision of the Supreme Court of the United States concerning abortion laws is nullified by adoption of a federal constitutional amendment so as to protect viable unborn children from homicide being committed against them by abortion and defining viable unborn children to be unborn children who are at least 18 weeks old but giving the State Board of Health the authority to define viability at a younger age but not in excess of 18 weeks; providing certain criminal penalties, civil causes of action, and civil sanctions, including revocation of tax exemptions, governmental financial assistance, and of corporate charters or permits to do business as corporations for violations of this Act; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Schwartz:

S.B. 858, A bill to be entitled An Act amending Section 3, Lower Colorado River Authority Act, as amended (Article 8280-107, Vernon's Texas Civil Statutes), Chapter 12, Title 128-Water-General Revised Civil Statutes of Texas, 1925 as amended to increase per diem payments for Directors of the Lower Colorado River Authority from \$25 to \$40 per day.

To Committee on State Affairs.

SENATE BILL 11 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 11. (The bill having been read second time on Tuesday, March 20.)

Question, Shall the bill as amended be passed to engrossment?

Senator Mauzy offered the following amendment to the bill:

Amend S.B. 11 by adding a new section to be inserted after original Section 16 of the printed bill to be numbered in proper numerical sequence, and succeeding sections re-numbered accordingly, the new section to read as follows:

Section---. Section 179a, Texas Election Code, as amended (Article 13.01a, Vernon's Texas Election Code), is amended to read as follows:

"179a. Affiliation with political party

"Subdivision 1. Parties to which affiliation provisions apply. As used in this section, the term 'political party' includes:

"(1) Parties with state organization which must make nominations by the primary election method.

"(2) Parties with state organization which may make nominations by the convention method.

"(3) Parties without state organization which may nominate candidates for county and precinct offices.

"Subdivision 2. Affiliation as prerequisite for participation in party affairs. (a) Beginning on March 1, 1974, no person may vote in a primary election or participate in a convention of a political party, sign a petition or application to place the nominees of a party on an election ballot, be nominated by a party for public office, or be elected or selected to, or serve in, the position of executive committee member, delegate to any convention of a party, or presidential elector of a party, unless he is registered as a member of the party at the time the election or convention is held, the selection is made, or the service is rendered, as the case may be. No person may become a candidate for nomination by a party to a public office or for election to a party office unless he is registered as a member of the party.

"(b) The primary elections, conventions, offices, and positions to which this section applies include those at the precinct, county, district, and state level, and also include those at the city level where a party coming within Subdivision 1 of this section also makes nominations for city offices.

"Subdivision 3. Method of affiliation; duration. A voter who states a party preference on his application for registration, as provided in Subdivision 4 of this section, or who declares his preference subsequent to registration, as provided in Subdivision 5 or Subdivision 6 of this section, thereby becomes a member of that party until his registration expires or is cancelled or until he changes his designation of that preference in the manner provided in Subdivision 6. No person may be affiliated with more than one party at the same time.

"Subdivision 4. Designation of affiliation at time of registering. Beginning on October 1, 1973, each applicant for a voter registration certificate shall designate on his application the name of the political party with which he wishes to affiliate, or if he does not wish to affiliate with any party, he shall enter the designation 'Independent' in the space for party affiliation on the application form. The registrar shall show the same designation on the voter's registration certificate and on the other registration records. When the registrar receives an application on which no designation is made in the space for party affiliation, he shall list the voter under the designation of 'Independent' on the certificate and other records.

"Subdivision 5. Designation of affiliation by voters registered before October 1, 1973. Between October 1 and November 30, 1973, the registrar shall mail to each voter who was registered as of October 1, 1973, a form for stating his party affiliation, with appropriate instructions to the voter for filling out the form and returning it to the registrar in time to reach the registrar's office before January 30, 1974. Before March 1, 1974, the registrar shall issue replacement registration certificates, showing the voter's party affiliation, to all voters who were registered as of October 1, 1973, and whose registration has not been cancelled since that date. The replacement certificates shall be used at elections held on or after March 1, 1974. The registrar shall attach the returned party affiliation form to the voter's application for registration in the application file. If a voter's party affiliation form is not returned to the registrar by January 29, 1974, the registrar shall show his affiliation as 'Independent' on the replacement certificate and on the list of registered voters, and in order to change that designation the voter must follow the procedure outlined in Subdivision 6 of this section.

"Subdivision 6. Change in designation of affiliation.

"(a) A registered voter may change the designation of his party affiliation as shown on the registration records by presenting to the registrar his registration certificate or his affidavit that the certificate has been lost or destroyed, along with his signed request for the change. The request must be signed by the voter personally or by a witness if the voter is unable to sign his name. If signed by a witness, the name and address of the witness must be shown on the request.

"(b) A voter may not request a change in his designation of party affiliation during the period beginning with the 30th day before a general primary election provided for in Section 181 of this code and ending with the day of the succeeding general election provided for in Section 9 of this code. Also, a voter who resides in a city in which a political party is making nominations for city offices may not request a change in designation during the period beginning with the 30th day before the primary election or convention at which nominations are to be made and ending with the day of the election (or the runoff election, where a runoff is necessary) at which the election of city officers is completed. Where a request for a change in party designation is mailed to the registrar, the date shown on the postmark of the envelope shall be treated as the date on which the request is made. On a request delivered in person to the registrar, the date of delivery shall be treated as the date on which the request is made.

"(c) Upon receiving a proper request for a change in party affiliation,

the registrar shall issue to the voter a replacement registration certificate under the same registration number but showing the changed designation of party affiliation, and shall also make the necessary changes on the other registration records. He shall attach the request to the voter's application for registration. Where the registrar receives a request which is not timely, he shall return the request and the voter registration certificate to the voter and shall inform the voter of the reason for rejecting the request.

"(d) The secretary of state shall prescribe a form for requesting a change in designation of party affiliation and each registrar shall keep a supply of the forms on hand to furnish to voters. However, the registrar may accept a request in any form which complies with the requirements of this section.

"Subdivision 7. Voter registering during an election period. Where a voter applies for registration during the period beginning with the 30th day before a general primary election provided for in Section 181 of this code and ending with the day of the succeeding general election provided for in Section 9 of this code, or if he resides in a city in which a political party is making nominations for city offices, where he applies for registration during the period beginning with the 30th day before the primary election or convention at which nominations are made and ending with the day of the election (or the runoff election, where a runoff is necessary) at which the election of city officers is completed:

"(1) Except as permitted in numbered paragraph (2) of this subdivision, a voter who was registered either in the same county or in some other county of this state at any time during the 12-month period preceding the date of the application may not register as a member of any political party other than the one with which he was last registered under the previous registration. He must register either as a member of the same party, if he was registered as a member of a party, or as an Independent. If a voter knowingly applies for registration as a member of any other party, except as permitted in paragraph (2), he is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$1,000.

"(2) If a voter registered in this state at any time during the preceding 12-month period was last registered as a member of a party without statewide organization and that party does not have an organization in the county where he is applying for registration, he is free to make whatever designation of party affiliation he chooses. A voter is also free to affiliate with a party without statewide organization if the party did not have an organization in the county where he was previously registered at the time his registration terminated.

"(3) A voter who was not registered in this state at any time during the 12-month period preceding the date of the application is free to make whatever designation of party affiliation he chooses, regardless of any previous affiliation in this state or elsewhere.

"Subdivision 8. Voter using federal post card application for absentee ballot. A voter who applies for an absentee ballot for a primary election on a federal post card application for absentee ballot under the provisions of Subdivision 2a, Section 37 of this code, may vote in that party's primary elections without having affiliated with the party in any other manner. If he has registered through the registrar's office and the registration records state a different affiliation, the statement of party preference on the federal post card application supersedes the statement on the registration records. The time restrictions stated in Subdivision 7 of this section on changing party affiliation do not apply to voters who request a primary ballot on a federal post card application form. Affiliation with a party through a statement of affiliation or preference on a federal post card application is not effective for any purpose other than voting in the party's primary elections. For other purposes, the voter must affiliate through the registrar's office.

"Subdivision 9. Voter voting a limited ballot after removal to another county; participation in party conventions.

"(a) In order for a voter to vote a limited ballot in a primary election of a political party under the provisions of Section 37c of this code, he must

have been registered as a member of that party in the county of his former residence at the time of his removal from that county and he must state on his application for a limited ballot that he was so registered. If the voter presents his registration certificate from the county of former residence, it must reflect that affiliation; but if he is voting on an affidavit of a lost certificate, his statement of affiliation on his application is sufficient proof of party affiliation to authorize the clerk to permit him to vote in that party's primary.

"(b) Notwithstanding any other provision of this code, a voter who is eligible to vote a limited ballot in the primary election of a political party is also eligible to participate in the conventions of that party as a resident of the precinct and county of his new residence during the period of his eligibility to vote a limited ballot. Before being allowed to participate in a precinct convention, the voter must state to the precinct chairman or other person who is keeping the list of convention participants that he is a resident of that precinct, giving his local residence address; that he has been a resident of the county less than six months; that he was formerly a resident of ----- County (giving the name of the county in Texas where he formerly lived) and would be eligible to vote in that county except for his removal; and that he was registered as a member of the party holding the convention at the time of his removal. The voter's statement of these facts is sufficient proof of his party affiliation and other qualifications to authorize the placement of his name on the list of convention participants. The voter's signature, his present residence address, and the name of the county of his former residence, with the words 'new resident' or a similar notation, shall be entered on the list along with his name.

"Subdivision 10. Proof of party affiliation for participation in primary election or convention. Except as provided in this subdivision or in Subdivision 8 or 9 of this section, no voter may vote in a primary election or participate in a precinct convention of a political party unless he is shown to be affiliated with that party on the then-current list of registered voters. If the list of registered voters does not show him to be affiliated with that party, he nevertheless shall be permitted to participate, if otherwise eligible:

"(1) if he presents his registration certificate showing that he is affiliated with the party; or

"(2) if he makes an affidavit that he has affiliated with the party in accordance with law and that his registration certificate showing his affiliation has been lost or mislaid or has been used in applying for an absentee ballot and has not been returned to him. For a primary election, the affidavit shall be preserved with the records of the election in the same manner as other affidavits taken by the election officers. For a precinct convention, the affidavit shall be executed in duplicate and a copy shall be attached to and transmitted with each copy of the convention returns.

"Subdivision 11. Criminal offenses.

"(a) It is unlawful for a person to vote in a primary election or to participate in a convention of a political party unless at that time he is affiliated with the party which is holding the primary election or the convention.

"(b) It is unlawful for a judge or clerk of a primary election, including the clerk for absentee voting, to permit a person to vote in a primary unless the voter is shown to be affiliated with the party in a manner provided in Subdivision 8, 9, or 10 of this section.

"(c) It is unlawful for a precinct chairman or anyone else to enter a name on the list of persons participating in a precinct convention unless the person is shown to be affiliated with the party holding the convention in a manner provided in Subdivision 9 or 10 of this section.

"(d) It is unlawful for the chairman of a precinct, county, senatorial district, or state convention knowingly to permit a person to participate in the convention if the person is not affiliated with the party holding the convention.

"(e) Anyone who violates any provision of this subdivision is punishable

by a fine of not more than \$1,000.

"Subdivision 12. Effect given primary ballot of unaffiliated voter. Any vote cast in a primary election by a voter who is not affiliated with the party holding the election is void and shall not be counted for any purpose.

"Subdivision 13. Effect of party affiliation on eligibility as independent or write-in candidate. A person who is affiliated with a political party is ineligible to have his name printed on the ballot as an independent candidate for any office for which the party with which he is affiliated has a nominee, but his name may be printed on the ballot as an independent candidate if the party with which he is affiliated does not have a nominee for that office. Affiliation with a political party or prior candidacy for party nomination to the office sought is not a bar to a person's being a write-in candidate in a general or special election."

The amendment was read.

Senator Wolff moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Adams, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Hightower, Jones, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Wolff.

Nays: Aikin, Brooks, Clower, Gammage, Harrington, Kothmann, Mauzy, McKnight, Patman, Schwartz and Wallace.

Senator Wolff offered the following amendment to the bill:

Amend Senate Bill 11, Section on petition in lieu of filing fee, by adding:

"(j) In the event a court of competent jurisdiction declares any portion of this section to be invalid, and by the 60th day before the filing deadline for a general primary election the judgment has become final or enforcement of the judgment has not been suspended, and the legislature has not corrected the invalidity (or in the event these circumstances arise subsequent to the 60th day before the filing deadline), the secretary of state shall promulgate regulations concerning the number of signatures required, the procedure for filing, or other details as necessary, consistent with the court's judgment and the valid portions of this section; and those regulations shall be observed until the legislature enacts corrective legislation."

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend Senate Bill No. 11 by inserting a new section following original Section 16, to be numbered in proper sequence, and by renumbering succeeding sections accordingly, the new section to read as follows:

Sec. ---. Subsection (b), Section 244, Texas Election Code, as amended (Article 14.08, Vernon's Texas Election Code), is amended to read as follows:

"(b) Each opposed candidate whose name and whose opponent's name are printed on the ballot at the first primary election or at a general or special election shall file a sworn statement, not less than seven nor more than ten days prior to the day of each such election, of all gifts and loans previously

received and of all gifts, loans, and payment made and all debts incurred and obligations incurred or contracted for future use in behalf of such person's candidacy for office. The statement must include all such gifts, loans, payments, debts and obligations made or incurred, whether before or after the announced or filed candidacy of such person; and it must include gifts and loans received during the preceding 4 years if the amount received has not been included in campaign expense reports previously filed in behalf of the person's candidacy either for the specific office for which he is running, or for some other office to be filled at the same election, or for an office not yet determined or specified at the time the gift or loan was received. Not more than ten days after the election the candidate shall also file a supplemental sworn statement of all gifts and loans received prior to the election and of all gifts, loans and payments made and debts and obligations incurred prior to the election not specifically included in the sworn statement filed prior to the election."

The amendment was read and was adopted.

Senator Ogg raised the Point of Order that the amendment was not germane to the caption of the bill.

The President sustained the Point of Order.

On motion of Senator Wolff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 21, Nays 9.

Yeas: Aikin, Braecklein, Clower, Harris, Herring, Hightower, Jones, Kothmann, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Blanchard, Brooks, Creighton, Gammage, Harrington, Longoria, Mauzy and Patman.

Absent: Andujar.

MOTION TO PLACE SENATE BILL 11 ON THIRD READING

Senator Wolff moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 11 be placed on its third reading and final passage.

The motion was lost by the following vote: (Not receiving four-fifths vote of the Members present) Yeas 20, Nays 10.

Yeas: Aikin, Braecklein, Glower, Creighton, Harris, Herring, Hightower, Kothmann, McKinnon, McKnight, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Adams, Blanchard, Brooks, Gammage, Harrington, Jones, Longoria, Mauzy, Mengden and Patman.

Absent: Andujar.

REASON FOR VOTE

I voted against S.B. 11 because, in my opinion, the adoption of the amendment sent up by Senator Traeger changing the filing deadline until March violates the rule laid down by the Supreme Court of the United States in

Williams v. Rhodes, 89 S. Ct 5, 393 U.S. 29. I cannot, in good conscience, vote for any bill which I believe to be violative of the Constitution of the United States. It is indeed regrettable that this Legislature continues to pass unconstitutional laws relating to the democratic process. We should make it easier to vote and to run for office, not more difficult.

MAUZY

SENATE BILL 221 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 221. (The bill having been read the second time on Wednesday, March 21.)

Question, Shall S.B. 221 be passed to engrossment?

Senator Patman offered the following Committee Amendment to the bill:

Amend the printed copy of Senate Bill 221, Section 9 thereof, by starting said section's first sentence with the following words:

"With the exception of the individual institutions of higher learning,".

The Committee Amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Section 7 by adding between the words "money" and "necessary" the following words: "not in excess of \$175,000.00".

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend S.B. 221 by deleting Section 6 and substituting the following: "Section 6. The Texas Legislative Council shall serve as staff for such commission."

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Adams, Aikin, Blanchard, Brooks, Creighton, Gammage, Harris, Herring, Hightower, Mauzy, Moore, Schwartz and Sherman.

Nays: Andujar, Braecklein, Clower, Harrington, Jones, Kothmann, Longoria, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Snelson, Traeger, Wallace and Wolff.

Senator Patman offered the following amendment to the bill:

Amend S.B. 221, Section 2 by striking subsections (2) and (3) thereof and substituting in lieu thereof the following:

"(2) Two appointed by the Lieutenant Governor from the Senate, and two appointed by the Lieutenant Governor from private life; and

"(3) Two appointed by the Speaker of the House of Representatives from the House of Representatives, and two appointed by the Speaker of the House of Representatives from private life."

The amendment was read and was adopted.

RECORD OF VOTE

Senator Moore asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Creighton, Harris, Hightower, Moore and Schwartz.

SENATE BILL 221 ON THIRD READING

Senator Patman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 221 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Creighton, Harris, Moore and Schwartz.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 6.

Yeas: Adams, Andujar, Blanchard, Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Aikin, Creighton, Harris, Hightower, Moore and Schwartz.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Hightower submitted the following report for the Committee on Administration:

H.C.R. 112

HOUSE CONCURRENT RESOLUTION 112 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 112, Recognizing the week of April 11 to April 17, 1973, as "Time to Run" Week and join the Governor of Texas and other concerned citizens of the state in support of this worthwhile evangelistic effort.

The resolution was read.

On motion of Senator Hightower and by unanimous consent, the resolution was considered immediately and was adopted.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

H.B. 185

SENATE JOINT RESOLUTION 15 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.J.R. 15, Proposing an amendment to Article III, Section 47, of the Texas Constitution, to provide that the legislature may allow certain lotteries and gift enterprises conducted for nonprofit charitable organizations.

The resolution was read second time.

Senator Hightower offered the following amendment to the resolution:

Amend S.J.R. 15 by deleting the word "church" from lines 19 and 22 of the printed bill.

The amendment was read and was adopted.

The resolution as amended failed to pass to engrossment by the following vote: Yeas 14, Nays 17.

Yeas: Andujar, Brooks, Gammage, Harris, Kothmann, Longoria, McKinnon, Meier, Mengden, Ogg, Santiesteban, Schwartz, Traeger and Wolff.

Nays: Adams, Aikin, Blanchard, Braecklein, Clower, Creighton, Harrington, Herring, Hightower, Jones, Mauzy, McKnight, Moore, Patman, Sherman, Snelson and Wallace.

LEAVE OF ABSENCE

Senator Mengden was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

SENATE CONCURRENT RESOLUTION 16 ON SECOND READING

The President laid before the Senate the following resolution:

S.C.R. 16, Memorializing Congress of the United States to disregard and consider S.C.R. 24 of the 59th Legislature a complete nullity.

The resolution was read.

Question on the adoption of the resolution, "Yeas" and "Nays" were demanded.

The resolution was adopted by the following vote: Yeas 19, Nays 11.

Yeas: Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, Meier, Ogg, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Adams, Aikin, Andujar, Blanchard, Creighton, Harris, McKnight, Moore, Patman, Snelson and Traeger.

Absent-excused: Mengden.

SENATE CONCURRENT RESOLUTION 59 ON SECOND READING

The President laid before the Senate the following resolution:

S.C.R. 59, Requesting the Texas Constitutional Revision Commission to consider the advisability of changing the last sentence of the first paragraph of Subsection (a) of Section 62, Article XVI.

The resolution was read and was adopted.

MOTION TO SET SENATE BILL 74 AS SPECIAL ORDER

Senator Jones asked unanimous consent to set S.B. 74 as Special Order at 11:30 o'clock a.m., Monday, April 2, 1973.

There was objection.

Senator Jones then moved to set S.B. 74 as Special Order at 11:30 o'clock a.m., Monday, April 2, 1973.

The motion was lost by the following vote: Yeas 13, Nays 17.

Yeas: Braecklein, Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Meier, Santiesteban, Schwartz, Sherman, Wallace and Wolff.

Nays: Adams, Aikin, Andujar, Blanchard, Brooks, Creighton, Harris, Herring, Hightower, Jones, McKinnon, McKnight, Moore, Ogg, Patman, Snelson and Traeger.

Absent-excused: Mengden.

HOUSE BILL 34 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 34, A bill to be entitled An Act relating to the issuance of time warrants by certain independent school districts that are entitled to federal aid for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended; amending Subchapter C, Chapter 20, Texas Education Code, by adding Section 20.51; and declaring an emergency.

The bill was read second time.

Senator Santiesteban offered the following Committee Amendment to the bill:

Amend House Bill No. 34 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Subchapter C, Chapter 20, Texas Education Code, is amended by adding Section 20.51 to read as follows:

"Sec. 20.51. ISSUANCE OF TIME WARRANTS BY DISTRICTS ENTITLED TO CERTAIN FEDERAL AID.

"(a) This section applies to any independent school district and to any common school district within the State of Texas, whether created by general law or special Act of the Legislature, which is entitled to payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended.

"(b) The board of trustees of an independent school district or of a common school district described in Subsection (a) of this section may, upon a determination that there are insufficient funds to properly operate and maintain the district's schools, make and enter an order in their minutes directing:

"(1) the issuing of time warrants sufficient to obtain funds for operation and maintenance of the district's schools and payment of existing accounts already obligated for these purposes;

"(2) the levying of a tax sufficient to pay the principal and interest on the warrants where a sufficient maintenance tax had theretofore been authorized by a vote of the legally qualified voters in the district; and

"(3) the creation of an interest and sinking fund.

"(c) The board shall deposit in the sinking fund, created by the order in Subsection (b) of this section, an amount from each year's maintenance taxes sufficient to pay the principal and interest on outstanding warrants when they become due and payable, and the funds may only be used to pay the principal and interest on the warrants.

"(d) The warrants shall be payable serially and annually for a period of years not to exceed eight, and shall bear interest at a rate not to exceed six percent per annum, with the option to call any part or all of the warrants for payment on any interest installment or paying date, and may provide for the payment of interest on a quarterly or semiannual basis.

"(e) The president of the board shall sign the warrants and the secretary shall countersign them.

"(f) The board may not sell the warrants for less than par value and accrued interest.

"(g) The board may not issue time warrants exceeding the amount to which the independent school district or the common school district was entitled on January 1, 1972, to receive as payments for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended, plus any anticipated payments for maintenance and operation of schools to which the independent school district or the common school district would be entitled through the expiration of the fiscal year of the United States Government which commences July 1, 1973, in accordance with the pertinent provisions of the aforesaid Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as it existed on January 1, 1972.

"(h) The board may not issue or execute a warrant after the expiration of four years from June 1, 1972.

"(i) Upon the issuance of any warrants provided for in this section, the affidavit of the president and secretary of the board of trustees that the warrants have been issued in conformity with this section, and the statement on the face of each warrant so issued or executed that they are made in compliance with and under the authority of this section, shall be prima facie evidence of the validity of the warrants.

"(j) This section shall not be construed as repealing any laws now in

existence authorizing the issuance of interest-bearing time warrants, but this section shall be cumulative of all existing laws and Acts."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

Senator Santicsteban offered the following Committee Amendment to the bill:

Amend House Bill No. 34 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A BILL

TO BE ENTITLED

An Act relating to the issuance of time warrants by certain independent and common school districts that are entitled to federal aid for maintenance and operation of schools under the Act of September 30, 1950, 64 United States Statutes at Large 1100, Public Law 874 (81st Congress) as amended; amending Subchapter C, Chapter 20, Texas Education Code, by adding Section 20.51; and declaring an emergency."

The Committee Amendment was read and was adopted.

The bill as amended was passed to third reading.

HOUSE BILL 34 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

SENATE BILL 264 ON SECOND READING

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 264, A bill to be entitled An Act relating to farm mutual insurance companies and those insurers considered as farm mutual insurance companies; amending, revising and recodifying Chapter 16 of the Insurance Code, providing for no unconstitutional application, providing a severability clause; and declaring an emergency.

The bill was read second time.

Senator Moore offered the following Committee Amendment to the bill:

Amend Senate Bill 264 by making the following typographical corrections, to-wit:

1. Amend Article 16.06, subparagraph (b) on page 7 by changing the word "furplus" to read as "surplus."
2. Amend Article 16.06, subparagraph (b) on page 8 by changing the word "dalay" to read "delay."

The Committee Amendment was read and was adopted.

Senator Moore offered the following Committee Amendment to the bill:

Amend Senate Bill 264, Article 16.21 of the Bill, Page 15-c by striking out the following language, to-wit:

"Such fire or storm mutual insurance companies as included in the preceeding Article, heretofore operating under the provisions of 4860a-20,"

and substitute in lieu thereof, the following, to-wit:

"Such fire or storm mutual insurance companies as included in this Article, heretofore operating under the now repealed provisions of 4860a-20,".

The Committee Amendment was read and was adopted.

Senator Moore offered the following Committee Amendment to the bill:

Amend Senate Bill 264 by adding a new article at the end of Section 1 of the bill to be numbered as Article 16.27 to read as follows, to-wit:

"Art. 16.27. Authority of the State Board of Insurance:

"The State Board of Insurance is hereby vested with power and authority under this Act to promulgate 'after public hearing' and enforce rules and regulations concerning the application to farm mutual insurance companies of the Articles referred to in Article 16.24 of the Insurance Code and for the clarification, amplification and augmentation of the terms and provisions of Chapter 16 of the Insurance Code (as it now exists or as it may be amended in the future) which in the discretion of said Board are deemed necessary to accomplish the purposes of this Act."

The Committee Amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend Senate Bill 264, Section 1, Article 16.01, Section (c) by striking all of Section (c) and substituting in lieu thereof the following, to-wit:

"(c) Each Farm Mutual Insurance Company shall include the words 'Farm Mutual' or 'Farmers Mutual' in its name, and must maintain a majority of its total insurance in force on rural property at all times at the time of writing thereof, and operate on a regular and special assessment basis and use not more than thirty percent (30%) of their gross income for expenses. 'Rural property' shall mean any property located outside an urban area. 'Urban area' as used herein shall mean that land, area subject to the taxing authority of any incorporated city or town having a population by the last published federal census figures of more than 7,500 inhabitants. Property located in what is defined as rural property by the preceding sentence at the time it is first insured shall thereafter continue to be classified as rural property so long as insurance thereon continues by policy or policies written by the same farm mutual insurance company without lapse in effective coverage for longer than sixty (60) days."

The amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend Senate bill 264, Section 1 of the Bill, Article 16.02, by striking out all of Article 16.02 and substituting in lieu thereof the following, to-wit:

"Article 16.02. Farm Mutual Insurance Companies shall not insure against: No farm mutual insurance company shall assume or issue any contract of insurance that seeks to indemnify an insured for liability incurred by the insured to third parties for the commission of any tortious act by the insured. No farm mutual insurance company shall assume or issue any contracts of insurance covering the liability of any insured under a contract to maintain, hold or store property belonging to others."

The amendment was read and was adopted.

On motion of Senator Moore and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 264 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKnight, Meier, Moore, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: McKinnon and Ogg.

Absent-excused: Mengden.

COMMITTEE SUBSTITUTE SENATE BILL 636 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 636, A bill to be entitled An Act relating to the number of signatures necessary to require the submission of charter amendments; amending Article 1170, Vernon's Texas Civil Statutes, as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 636 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 636 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

SENATE BILL 388 RECOMMITTED

On motion of Senator Herring and by unanimous consent, Senate Bill 388 was recommitted to the Committee on Jurisprudence.

COMMITTEE SUBSTITUTE SENATE BILL 131 ON SECOND READING

Senator Creighton asked unanimous consent to suspend the regular order of business and take up C.S.S.B. 131 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up C.S.S.B. 131 for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harris, Hightower, Jones, Meier, Moore, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Blanchard, Harrington, Herring, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Patman and Wallace.

Absent-excused: Mengden.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 131, A bill to be entitled An Act relating to secured transactions; amending Chapter 9 and Sections 1.105, 1.201(9) and (37), 2.107, and 5.116, Business and Commerce Code, and adding a new Chapter 11; and declaring an emergency.

The bill was read second time.

Senator Creighton offered the following amendment to the bill:

Amend Section 7 of C.S.S.B. 131 by renumbering it as Section 9.

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend the caption of C.S.S.B. 131 to read as follows:

"A BILL

TO BE ENTITLED

An Act relating to secured transactions; amending Chapter 9, Subchapter A of Chapter 35, and Section 1.105, 1.201 (9) and (37), 2.107, and 5.116, Business and Commerce Code, and adding a new Chapter 11; amending Article 6630 and repealing Article 6645, Revised Civil Statutes; and declaring an emergency."

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend Section 9.302, (c) (2) of C.S.S.B. 131 by amending to read as follows:

"(2) the following statutes of this state: the Certificate of Title Act, as amended (Article 1436-1, Vernon's Texas Penal Code); but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of this chapter (Subchapter D) apply to a security interest in that collateral created by him as debtor; or Subchapter A, Chapter 35, Title 4, Business and Commercial Code; or".

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend Section 5 of C.S.S.B. 131 deleting Sections 9.105 (a) (14) and 9.401 (e), renumbering 9.401 (f) as Section 9.401 (e), amending Section 9.402 (3) to read as follows:

"(e) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to Subsection (e) of Section 9.103, or a financing statement filed as a fixture filing (Section 9.313), must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of the record owner."

and amending Section 9.403(f) to read as follows:

"(f) A real estate mortgage which is effective as a fixture filing under Subsection (f) of Section 9.402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate."

The amendment was read and was adopted.

Senator Creighton offered the following amendment to the bill:

Amend C.S.S.B. 131 by adding thereto the following Sections:

Section 7. Subchapter A, Chapter 35, Title 4 of the Business and Commerce Code is amended to read as follows:

"SUBCHAPTER A. FILING OF UTILITY SECURITY INSTRUMENTS.

"Section 35.01. DEFINITIONS. (a) In Sections 35.02-35.08 of this code, unless the context requires a different definition,

"(1) 'security instrument' means a mortgage, deed of trust, security agreement or other instrument executed to secure the payment of a bond, note, or other obligation of a utility, or instruments supplementary or amendatory thereto (including any signed copy thereof); and

"(2) 'utility' means a person engaged in this state in the

"(A) generation, transmission, or distribution and sale of electric power;

"(B) transportation, distribution and sale through a local distribution system of natural or other gas for domestic, commercial, industrial, or other use;

"(C) ownership or operation of a pipeline for the transmission or sale of natural or other gas, crude oil or petroleum products to other pipeline companies, refineries, local distribution systems, municipalities, or industrial consumers;

"(D) provision of telephone or telegraph service to others;

"(E) production, transmission, or distribution and sale of steam or water;

"(F) operation of railroad; and

"(G) the provision of sewer service to others.

"(b) The definitions in Chapters 1 and 9 of this code also apply to this Subchapter.

"SECTION 35.02. FILING UTILITY SECURITY INSTRUMENTS WITH SECRETARY OF STATE; PERFECTION; NOTICE.

"(a) Payment of the statutory filing fee and deposit for filing in the office of the Secretary of State of a security instrument executed by a utility which states conspicuously on its title page: 'This Instrument Grants A Security Interest By A Utility' shall, subject to the provisions of Subsection (b) of this section,

"(1) constitute perfection of a security interest created by the security instrument in any personal property (including goods which are, or are to become, fixtures) in which a security interest may be perfected by filing under Chapter 9 of this code, located in this State, and owned by the utility when the security instrument was executed or to be acquired by the utility after execution of the security instrument; and

"(2) be taken and held as notice to all persons of the existence of such security instrument and the interest granted therein, as security, in any real property (or fixtures thereon, or to be placed thereon) located in this state and owned by the utility when the security instrument was executed or to be acquired by the utility after the execution of the security instrument; provided that the security instrument shall first be proven, acknowledged or certified as otherwise required by law for the recording of real property mortgages.

"(b) For perfection or notice to be effective as to a particular item of property, the filed security instrument must

"(1) identify the property by type, character, or description if it is presently owned personal property (including fixtures); provided that for such purposes, any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described;

"(2) provide a description of the property if it is presently owned real property; and

"(3) state conspicuously on its title page: 'This Instrument Contains After-Acquired Property Provisions' if the property is to be acquired after the execution of the security instrument.

"(c) Filing under this section satisfies any requirements of

"(1) filing of the security instrument or a financing statement in the office of a County Clerk where such would otherwise be necessary to perfect a security interest; and

"(2) recording of the security instrument in the office of a County Clerk where such would otherwise cause the security instrument to be effective and valid as to all creditors and subsequent purchasers for valuable consideration without notice.

"(d) The provisions in Chapter 9 of this code pertaining to priorities and remedies shall apply to security interests in personal property (including fixtures) perfected under this section.

"SECTION 35.03. DURATION OF NOTICE.

"The perfection or notice provided by any security instrument filed under Section 35.02 of this code is effective from the date of deposit for filing until the interest granted as security is released by the filing of a termination statement, or a release of all or a part of the property, signed by the secured party, and no renewal, refiling or continuation statement shall be required to continue such effectiveness.

"SECTION 35.04. NOTICE OF NAME CHANGE, MERGER OR CONSOLIDATION.

"(a) Where a utility changes its name or merges or consolidates with another person after the deposit for filing of a security instrument executed by it, a written statement of the name change, merger or consolidation shall promptly be deposited for filing in the office of the Secretary of State. Any such statement must be signed by the secured party and the utility, identify the appropriate security instrument by file number, and state the name of the utility

after the name change, merger or consolidation.

"(b) A security instrument deposited for filing before the name change, merger or consolidation is not effective to provide perfection or notice of interests granted as security under Section 35.02 of this Chapter in property acquired by the utility more than four months after the name change, merger or consolidation, unless the written statement is deposited for filing as required by Subsection (a) before the expiration of that time.

"SECTION 35.05. FILING OF SECURITY INSTRUMENTS AND STATEMENT OF NAME CHANGE, MERGER OR CONSOLIDATION BY SECRETARY OF STATE; FEES.

"(a) The Secretary of State shall endorse upon any security instrument and any statement of name change, merger or consolidation deposited for filing in his office, the day and hour of receipt and the file number assigned to it. Such endorsement shall, in the absence of other evidence, be conclusive proof of the time and fact of deposit for filing.

"(b) The Secretary of State shall retain in his office all security instruments and statements of name change, merger or consolidation deposited in his office and shall file such in adequate filing devices.

"(c) The uniform fee for filing and indexing a security instrument, or an instrument supplementary or amendatory thereto, and a statement of name change, merger, or consolidation and for stamping a copy of such documents, furnished by the secured party or the utility, to show the date and place of filing shall be \$6.00.

"SECTION 35.06. INFORMATION FROM SECRETARY OF STATE.

"Upon the request of any person, the Secretary of State shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective security instrument naming a particular utility, and if there is, giving the date and hour of filing of such instrument and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be \$5.00 if the request for the certificate is in the standard form prescribed by the Secretary of State, and otherwise shall be \$10.00. Upon request the Secretary of State shall furnish a copy of any filed security instrument for a uniform fee of \$1.00 per page, but not less than \$5.00 nor more than \$50.00 per request concerning a particular utility.

"SECTION 35.07. RECORDING OF NOTICE IN COUNTY OF REAL PROPERTY; SEPARATE INDEX BY COUNTY CLERK OF SECURITY INSTRUMENTS AND CONTINUATION STATEMENTS.

"(a) If any security instrument filed with the office of the Secretary of State under Section 35.02 of this code grants an interest, as security, in any real property owned by the utility, a Notice of Utility Security Instrument Affecting Real Property shall be recorded in the office of the County Clerk in the county where the real property is located, stating

"(1) the name of the utility which executed the security instrument;

"(2) that a security instrument affecting real property in the county has been executed by the utility; and

"(3) that such security instrument was filed, and other security instruments may be on file, in the office of the Secretary of State.

"(b) It shall not be necessary to record a notice regarding other security instruments executed by the utility, and the Notice recorded under Subsection (a) of this section shall be sufficient to provide notice of any and all other security instruments

"(1) executed by the utility;

"(2) filed in the office of the Secretary of State; and

"(3) granting an interest, as security, in any real property, and fixtures

thereto, located in the county where such Notice was recorded.

"(c) Notices recorded under Subsection (a) of this section shall be recorded and indexed by the county clerk in the same records and indexes as are mortgages on real property.

"(d) The county clerk shall maintain a separate index of utility security instruments and continuation statements recorded under prior law.

"SECTION 35.08. PRIOR PERFECTED LIENS: REFILING WITH SECRETARY OF STATE.

"The perfection or notice provided by any security instrument covering any real or personal property located in this state which was heretofore filed or recorded in the office of the Secretary of State or the office of the county clerk of any county in this state continues effective until it would have lapsed under prior law or January 1, 1978, whichever occurs first; but it may be filed or refiled prior to such time in the office of the Secretary of State as provided in Section 35.02 of this code, and such filing or refiling shall continue the effectiveness as provided in Sections 35.02 and 35.03 of this code.

"SECTION 35.09. REPEALER

"The following act and all other acts and parts of acts inconsistent herewith are hereby repealed:

"Texas Revised Civil Statutes Article 6645 (1925), as amended by Texas Session Laws 1947, Chapter 261."

Section 8. Article 6630, Revised Civil Statutes, is amended to read as follows:

"ART. 6630. Deeds, etc., recorded

"All deeds, conveyances, deeds of trust, or other written contracts relating to real estate, which are authorized to be recorded, shall be recorded in the county where such real estate, or a part thereof, is situated; provided that where such instruments grant security interests by a utility, as such term is defined in Section 35.01 of the Business and Commerce Code, they shall be filed in the place and manner described in Section 35.02 of the Business and Commerce Code.

"All such instruments, when relating to real estate situated in an unorganized county, shall be recorded in the county to which such unorganized county is attached for judicial purposes, in a well bound book, or books, to be kept for that purpose, separately from the records of the county to which it is attached and from other unorganized counties; and the clerk or other officer having the custody of such books, when such unorganized county shall be organized, or has been detached therefrom and attached to another county for judicial purposes, shall deliver such book or books, without charge, to the proper officer of such newly organized county, or of the county to which it is attached for judicial purposes when demanded by him; and, where such records have been heretofore kept in separate books, they shall also be delivered in like manner as above, and in each case the same shall become archives of the county to which it is so delivered. Where such records have not heretofore been kept separately, upon the organization or attachment of such unorganized county to another organized county, a certified transcript from the records of such instruments so recorded shall be obtained by such new clerk or officer; and when so made the same shall in like manner become archives of such newly organized county, or county to which such unorganized county may be attached, as the case may be."

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senators Traeger, Aikin, Mauzy, Longoria and Patman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 255 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 255, A bill to be entitled An Act relating to the collection and sale of wastepaper by the State Board of Control; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 255 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 256 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 256, A bill to be entitled An Act, relating to the purchase of paper by the Board of Control; adding Section 13A to Chapter 304, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 256 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Wolff.

Nays: Jones, Meier and Wallace.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators McKinnon, Aikin, Meier, Wallace, Jones, Hightower, Longoria and Moore, asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 386 ON SECOND READING

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 386, A bill to be entitled An Act relating to the prevention, care and treatment of chronic kidney disease; making certain findings concerning chronic kidney diseases; etc.; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 386 ON THIRD READING

Senator Herring moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 386 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard and Jones.

Absent-excused: Mengden.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Nays: Blanchard and Jones.

Absent-excused: Mengden.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor were read and referred to the Committee indicated:

Austin, Texas
March 12, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF TEXAS TECH UNIVERSITY:

For a six-year term to expire January 31, 1979:

Mr. A. J. Kemp of Fort Worth, Tarrant County, to replace the Honorable Waggoner Carr, of Austin, Travis County, whose term expired.

Mr. J. Fred Bucy, Jr., of Dallas, Dallas County, to replace Mr. Field Scovell of Dallas, Dallas County, whose term expired.

Mr. Judson F. Williams of El Paso, El Paso County, for reappointment.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Education.

Austin, Texas
March 15, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE PARKS AND WILDLIFE COMMISSION:

For a six-year term to expire February 1, 1979 and to be effective immediately:

Mr. John Green of Beaumont, Jefferson County, to replace Mr. Max L. Thomas of Dallas, Dallas County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Natural Resources.

Austin, Texas
March 15, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE PARKS AND WILDLIFE COMMISSION:

For a six-year term to expire February 1, 1979 and to be effective immediately:

Mr. Louis Stumberg of San Antonio, Bexar County, to replace Mr. Harry Jersig of San Antonio, Bexar County, who resigned.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Natural Resources.

Austin, Texas
March 22, 1973

TO THE SENATE OF THE SIXTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE STATE BOARD OF PUBLIC WELFARE:

For a six-year term to expire January 19, 1979:

Mr. Garrett Morris of Fort Worth, Tarrant County, to replace Mr. Louis R. Sarazan of Fort Worth, Tarrant County, whose term expired.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

To Committee on Human Resources.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Wednesday, March 28, 1973

H.B. 469 - Senator Aikin
S.B. 11 - Senator Wolff
C.S.S.B. 41 - Senator Gammage
S.B. 47 - Senator Mauzy
S.B. 71 - Senator Braecklein
S.B. 115 - Senator Brooks
S.B. 123 - Senator Gammage
S.B. 129 - Senator Longoria
S.B. 147 - Senator Gammage
S.B. 174 - Senator Jones

S.B. 234 - Senator Creighton
S.B. 263 - Senator Brooks
C.S.S.B. 274 - Senator Schwartz
C.S.S.B. 348 - Senator Ogg
S.B. 392 - Senator Snelson
S.B. 434 - Senator Traeger
S.B. 593 - Senator Mauzy
S.B. 614 - Senator Patman
S.B. 625 - Senator Patman

MEMORIAL RESOLUTIONS

S.R. 389 - By Senator Snelson: Memorial resolution for Charles N. Hickox.

S.R. 390 - By Senator Snelson: Memorial resolution for Richard L. Cochran.

S.R. 391 - By Senator Herring: Memorial resolution for Charles Merle Goodnight.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 388 - By Senator Adams: Extending congratulations to Dr. C. E. Peeples, Lon Morris College for his dedication to advancement of higher education.

S.R. 392 - By Senator Herring: Extending commendation to Silver Spurs for their assistance to the March of Dimes.

S.R. 393 - By Senator Gammage: Extending welcome to students from Texas State School for the Deaf.

S.R. 394 - By Senator Wallace: Extending welcome to group from General Foods Corporation.

S.R. 395 - By Senator Herring: Extending welcome to students from Leona Doss Elementary School.

S.R. 396 - By Senator Schwartz: Extending congratulations to Gaye Williams.

S.R. 397 - By Senator Mengden: Extending welcome to students from Chinquapin School.

S.R. 398 - By Senator Clower: Extending welcome to Mayor Don Raines.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:50 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.